

**REMARKS**

This application is believed to be in condition for allowance.

**Status of the Claims**

Claims 13, 15-26, 32, and 33 remain pending.

**Claim Rejections-35 USC §102**

Claims 13, 15-18, 21-25, 32 and 33 stand rejected under 35 U.S.C. §102(b) as anticipated by GODA U.S. 3,741,444 (GODA). The rejection is respectfully traversed for the reasons stated below.

**I. GODA does not anticipate the claim 13, and claims 15-18 and 21-25, for at least three reasons.**

**A. GODA does not include a passage in the actuating member.**

Claim 13 requires an actuating member comprising a movable push-button (19) which is manually depressible in a vertical actuating direction (Z) in order to eject a quantity of said liquid or semi-liquid product from said reservoir through a passage (45) in said actuating member.

GODA discloses a bottle, or dispensing device, including a bottle (10), an ejection assembly (40) that is supported on a wall (33) of the bottle and that is equipped with an actuating member (44) emerging from a centrally located opening on top of said bottle.

The actuating member of GODA comprises a plunger (44) which is linked to a piston (43) which is movable in a barrel (41). (See page 2, line 46-47).

The barrel communicates with a communicating reservoir (51) which communicates with a valve (80) which itself communicates with a tube (61) plunging into the bottle (10) and which also communicates with a flexible horizontal output tube (60).

To allow the liquid to flow out of the bottle, the plunger (44) must first be raised to cause the piston (53), moving upward in the barrel (41), to suck the liquid through the valve (80), and must then be depressed to close the valve (80) and to push the liquid into the horizontal output tube (60).

As can be clearly seen in Figure 1, the actuating member is a one-piece plunger (44). GODA does not disclose any passage in said actuating member (44). The passage of GODA which communicates with the tube (60) is formed in the section (50), below the actuating member (44), and is not located through the actuating member.

Thus, the passage of GODA does not anticipate the features of claim 13, in which the passage is formed through the actuating member.

For this first reason GODA does not anticipate claim 13.

**B. GODA does not include an outlet member  
that is fixedly connected to a reservoir.**

Claim 13 requires an outlet member being connected fixedly to a reservoir and comprising an outlet opening to dispense said quantity of product.

GODA discloses, in terms of the language of claim 13 (feature numbers of GODA), a connecting member (60, 70, 75, 81) comprising:

- a first end connected to the section (50) in the horizontal direction,

- a second end (81) connected to a valve (81) connected to a short piece of output tubing (82),

- a flexible output tube (60) extending between said first and second ends and that is adapted to conduct said quantity of the liquid or semi-liquid product to said outlet member without transmitting any substantial force to said outlet, the tube being adapted to extend out of said bottle through the exit aperture of a cap member (33) (see claim 1 c, line 17-19 of GODA)

- an elongated post member (70) rigidly mounted in said cap (33) adjacent said plunger and extending upwardly from said cap (see claim 1.e. line 23-25)

said output tube (60) extending out of said bottle through said tubular post member (see claim 3, line 37-38),

- an extra tubing length is contained within said bottle (see claim 5, line 42-44).

The arguments from the Official Action have been considered, but they are not persuasive.

The Official Action contends that the output member is the element (70), although it can be clearly seen on fig 1 that the connecting member (60, 70, 75) forms a single piece of tubing, which links the section (50) to a valve (81) of the outlet member (82).

The fact that the connecting member (60, 70, 75) forms a single piece of tubing is confirmed by the description, col 3, line 61 - col 4, line 5, *"the tubing can readily be pulled from, or pushed into, the bottle to suit convenience"*. The description also specifies (col 1, line 66 - col 2, line 2) that *"the outlet tube which is preferably a flexible plastic tube is adapted to extend out of the bottle through the exit aperture of the cap member"*.

The Applicant respectfully directs the Examiner's attention to the text at page 4 lines 2-4: *"the passage in the post (70) has sufficient clearance for the tubing to pass freely"*.

That is, the element (70) can absolutely not be an output member, because the tubing passes freely through a passage in post (70), and is linked further to the valve 81

and tubing 82. Element 70 is only a guide for the tube (60, 70, 75).

Consequently, considering that outlet member comprises valve (81) and tubing (82), the outlet member can be received in the plastic rest arm (99) (see fig1 and page 4, line 5) or not.

In addition, since the description explains col 3, line 61 - col 4, line 5, "*the tubing can readily be pulled from, or pushed into, the bottle to suit convenience*", this also shows that the outlet member is free when in use. If not, why should the tubing could be pulled from, or pushed into, the bottle to suit convenience? As an evidence, the tubing can be pulled from the bottle, or pushed into the bottle, to allow the tube to extend out of the bottle to allow the outlet member (80, 81) to move freely.

Consequently, the outlet member (81, 82) is not fixedly connected to said bottle, but removably linked to the bottle.

The Applicant respectfully disagrees that the rest position of the output member (81, 82), which is sometimes but not always used, as a long-lasting position.

Thus, the outlet member (81, 82) does not anticipate the features of claim 13, in which the outlet member must be rigidly fixed to the reservoir.

For this second reason GODA does not anticipate claim 13.

**C. GODA does not include a  
connecting member as recited in claim 13.**

Claim 13 recites that the first end of the connecting member extends in a direction different from a direction in which the second end of the connecting member connected to the outlet member extends, and at least one of the first and second ends, does not extend in the same direction of a vertical flat band connecting said actuating member and said outlet member.

Since the outlet member (81, 82) of GODA can be removed from the rest arm, its direction can change in many ways.

Thus, the direction in which the outlet member extends can also change, depending of the use of the outlet member, and is not defined. Consequently, no one can exactly define a vertical flat band containing a geometric line directly connecting the actuating member (44) and said outlet member.

Consequently, the outlet member (81, 82) does not anticipate the features of claim 13, in which *"the first end of the connecting member extends in a direction different from a direction in which the second end of the connecting member*

(directly linked to element 81, 82) connected to the outlet member extends, and at least one of the first and second ends, does not extend in the same direction of a vertical flat band connecting said actuating member and said outlet member".

For this third reason GODA does not anticipate claim 13.

Therefore, claim 13, and consequently claims 15-18 and 21-25 which depend on claim 13, are not anticipated by GODA, and withdrawal of the rejection is respectfully requested.

## **II. GODA does not anticipate the claim 32 and 33.**

### **A. GODA does not include a horizontally arranged nozzle as described in claim 32.**

The device disclosed in the application and claim 32 differs from the device disclosed by GODA in that GODA does not disclose a horizontally arranged nozzle, and in that the nozzle is not fixed to the device.

GODA does not disclose any horizontally arranged nozzle, because, as it has been explained above, the outlet tube (82) of GODA can be free (for example, when in use), so that no direction, -horizontal or not- can be clearly determined.

Moreover, in GODA, since the outlet member or nozzle (81, 82) can be removed from the rest arm, its direction can change in many ways.

Furthermore, the nozzle (81, 82) is not fixed to the device because it is not always fixed, but only in rest position.

As a consequence, the outlet member (81, 82) does not anticipate the features of claim 32.

For this reason GODA does not anticipate claim 32.

**B. GODA does not include a horizontally arranged nozzle as described in claim 33.**

The device disclosed in the application and claimed at claim 33 differs from the device disclosed by GODA in that GODA does not disclose any horizontally arranged nozzle, because, as it has been explained above, the outlet tube (82) of GODA can be free (for example, when in use), so that no direction, -horizontal or not- can be clearly determined.

Moreover, in GODA, since the outlet member or nozzle (81, 82) can be removed from the rest arm, its direction can change in many ways.

So GODA fails to disclose a nozzle (81, 82) which is fixed to the device.

Furthermore, the direction in which the outlet member extends can also change, depending of the use of the



outlet member, and is not defined. Consequently, no one can exactly define a vertical flat plane containing a geometric line directly connecting the pump to the nozzle.

As a consequence, outlet member (81, 82) does not anticipate the features of claim 33.

For this reason, GODA does not anticipate claim 33.

Therefore, claims 32 and 33 are not anticipated by GODA, and withdrawal of the rejection is respectfully requested.

#### **Claim Rejections-35 USC §103**

Claims 19, 20 and 26 stand rejected under 35 U.S.C. § 103(a) as obvious over GODA in view of LEE U.S. 2003/0160070. This rejection is respectfully traversed for the reasons that follow.

Claims 19, 20 and 26 are dependent on claim 13, which is not anticipated by GODA.

LEE discloses conventional liquid containers the reservoirs (2) of which can be of different shapes.

But in LEE, the dispensing nozzles are slidably movable with the ejection assembly, so that it can not be found in LEE any outlet member rigidly fixed to the reservoir.

As a result, LEE fails to disclose an outlet member rigidly fixed to the reservoir.

As it has been explained above, GODA also fails to disclose an outlet member rigidly fixed to the reservoir.

As a result, the combination of GODA and LEE does not teach any outlet member being connected fixedly to said reservoir (2).

Thus, claim 13 and any of dependent claims 15-23, 25 and 26 are not rendered obvious by the combination of GODA and LEE.

Moreover, this combination further fails to render obvious claims 32 and 33. As already explained, claims 32 and 33 are not anticipated by GODA, because GODA fails to disclose a nozzle fixed to the device.

In LEE the dispensing nozzles are slidably movable with the ejection assembly, so that it can not be found in LEE any outlet member or nozzle fixed to the device.

As a result, LEE fails to disclose a nozzle rigidly fixed to the device.

Consequently, the combination of GODA and LEE does not disclose any nozzle fixed to the device, and the combination fails to render obvious claims 32 and 33

Therefore, claims 19, 20 and 29 are not rendered obvious by GODA and LEE, and withdrawal of the rejection is respectfully requested.

Claims 13, 15-23, 25, 26, 32 and 33 were rejected under 35 U.S.C. § 103(a) as obvious over CAMPBELL in view of GODA. This rejection is respectfully traversed for the reasons that follow.

**I. CAMPBELL and GODA do not render obvious claims 13, 15-23, 25 and 26.**

As discussed above relative to the anticipation rejection, GODA fails to disclose the features of claims 13, 15-23, 25 and 26.

CAMPBELL discloses a farm bucket comprising a bottle (38), or dispensing device, including a reservoir, an ejection assembly (44) that is supported on a wall (40) of the reservoir and that is equipped with an actuating member (60) emerging from a centrally located opening (100) on top of said reservoir.

The actuating member of CAMPBELL comprises a piston (60, 66, 70) which is manually movable by the lever (12) in a vertical actuating direction in order to eject a quantity of liquid or semi-liquid product from the reservoir 10 through a passage surrounding said actuating member (60), more particularly a passage between the piston (60, 66, 70) and a tube (46) in which the piston is slidably mounted. The passage is linked to an outlet valve (105).

CAMPELL also comprises a connecting member (14) comprising a first end connected to the valve (85) in a horizontal direction, and a second end connected to an outlet member (24) which can mate with the device (26) to be greased.

As it can be seen, CAMPELL fails to disclose:

- any passage in said actuating member (because the passage surrounds the actuating member) and
- any rigidly fixed outlet member (because the outlet member must be free to mate with different devices to be greased).

As it has been explained above, GODA also fails to disclose these two features.

Consequently, the combination of GODA and CAMBELL fails to disclose any passage in said actuating member nor any rigidly fixed outlet member.

Thus, the combination of GODA and CAMBELL fails to teach or suggest the features of claim 13.

As claims 15-23, 25, 26 are dependent on claim 13, none of claims 13, 15-23, 25, 26 is rendered obvious by the combination of CAMBELL in view of GODA.

Therefore, withdrawal of the rejection is respectfully requested.

**II. CAMPBELL and GODA do not  
render obvious claims 32 and 33**

Neither GODA nor CAMPBELL discloses a nozzle rigidly fixed to the device as recited in claims 32 and 33.

Consequently, the combination of GODA and CAMPBELL does not disclose a nozzle rigidly fixed to the device.

There the combination of GODA and CAMPBELL does not render obvious claims 32 and 33, and withdrawal of the rejection is respectfully requested.

**Conclusion**

In view of the foregoing remarks, it is respectfully submitted that the present application is in condition for allowance and early notice to that effect is hereby requested.

Should the Examiner has any comments or proposals for expedited prosecution, please contact the undersigned attorney at the telephone number below.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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